

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 7 and 10-13 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-7 and 10-13 remain pending in this application.

Drawings

Applicant notes that the “Office Action Summary” indicates that the drawings filed on October 28, 2003, were objected. However, there is no indication in the body of the Office Action as to the nature of this objection. Applicant believes the “objected to” box was erroneously checked and has, therefore, not addressed any objection to the drawings in this response.

Allowable Subject Matter

Applicant appreciates the indication of allowable subject matter in claims 5 and 6. As noted below, Applicant believes independent claim 1 is also allowable. Claims 5 and 6 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Rejection under 35 U.S.C. § 112

Claim 13 was rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner argues that “a

computer program product” and “computer code” were not described in the specification sufficiently. Applicant respectfully traverses this rejection for at least the following reasons.

Applicant notes that certain embodiments of the invention relate to the operation of devices such as controllers. In most cases, such operation methods are implemented as computer code installed on, for example, a memory device of the controller. In this regard, one of ordinary skill in the art would readily understand that certain methods related to the invention may be implemented as computer code in a computer program product which would be embodied on a computer-readable medium. Accordingly, Claim 13 complies with the written description requirement, and the rejection should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 7, 8 and 11 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,107,066 to Toth et al. (hereinafter “Toth”) in view of (3GPP TS 25-346, V1.1.0(2002-5)) (hereinafter “Reference A”). Applicant respectfully notes that claim 8 has been previously canceled by Applicant without prejudice or disclaimer. As to canceled claim 8, the rejection is moot. As to claims 1, 2, 7 and 11, Applicant respectfully traverses the rejection for at least the following reasons.

As noted in earlier responses, embodiments of the present invention provide the advantage that the establishment of the multicast/broadcast service context of a controlling device and the establishment of the user equipment multicast/broadcast service context are not required to be effected simultaneously. Accordingly, claim 1 recites that “establishing a user equipment specific multicast/broadcast service context ... is capable of being effected at a different time from the controlling device multicast/broadcast service context establishing procedure....”

As described in the specification, this advantage is particularly realized when the SRNC and the CRNC are different controllers. See e.g., Specification, page 3, paragraph [0008]. This aspect of the invention is recited in each of the independent claims. For example, claim 1 recites

a “radio access network comprising a plurality of user equipment, at least another serving device, and controlling devices” Applicant has amended each of the independent claims to more clearly recite this feature. For example, claim 1 has been amended to recite “the controlling devices being different from the at least another serving device”

The references cited by the Examiner neither teach nor suggest these features of the present invention. Specifically, Toth does not relate to, and therefore does not address issues related to, a system in which the CRNC and the SRNC are different controllers. Rather, Toth merely discloses radio access nodes which perform both functionalities. There is no teaching or suggestion of different controllers in the radio network. Since the system of Toth does not include different controllers CRNC and SRNC, the issues related thereto are not addressed by Toth. Accordingly, there is no teaching or suggestion in Toth that the establishment of the controlling device multicast/broadcast service context and the establishment of the user equipment multicast/broadcast service context are not required to be effected simultaneously.

Reference A fails to cure the deficiencies of Toth. As described in the Specification, Applicants recognized the issues presented by Reference A and provide an advantageous solution. See Specification, page 3, paragraphs [0007]-[0008]. Specifically, Reference A fails to teach or suggest at least the establishment of the controlling device multicast/broadcast service context and the establishment of the user equipment multicast/broadcast service context not being required to be effected simultaneously.

“To establish a *prima facie* case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. § 2142.

Since the cited references fail to teach or suggest at least the above-noted feature, the Office Action fails to establish a *prima facie* case of obviousness. Accordingly, independent claims 1, 7 and 11 are patentable. Claim 2 depends directly from allowable claim 1 and is, therefore, patentable for at least that reason, as well as for additional patentable features when that claim is considered as a whole.

Claim 3 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Toth in view of Reference A and further in view of (3GPP TS 23-346, V1.1.0(2002-9)) (hereinafter “Reference B”). Claim 4 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Toth in view of Reference A and further in view of Reference B and further in view of U.S. Patent Publication No. 2003/0087653 to Leung. Claims 3 and 4 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

The Office Action states that claims 12 and 13 “are rejected for the same reasons as set forth in claims 1, 2 and 3. As noted above, Applicant believes claims 1, 2 and 3 are patentable. Claims 12 and 13 are patentable for similar reasons.

The Office Action fails to address the patentability of claim 10. Applicant believes claim 10 is patentable for at least the same reasons as claims 1, 7 and 11.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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